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NatGasPipeline Penalty

\*\*\* Bill No. \*\*\*

Introduced By \*\*\*\*\*

By Request of the Public Service Commission

A Bill for an Act entitled: "An Act amending section 69-3-207, MCA; providing an immediate effective date."

WHEREAS, the administrative civil penalties under Federal law have more than doubled since the last amendment to this law, and Federal authorities are expected to increase these penalties in the future.

Be it enacted by the Legislature of the State of Montana:

**Section 1.** Section 69-3-207, MCA, is amended to read:

**"69-3-207. Penalty for violation of natural gas pipeline safety provisions and regulations.** (1) A person violating any safety regulation or provision adopted under the Natural Gas Pipeline Safety Act of 1968, as amended, that applies to areas the commission has authority to enforce is subject to ~~a fine of not less than \$100 or more than \$100,000~~ an administrative civil penalty not to exceed that set out in 49 C.F.R. § 190.223. Each day in which a violation of a safety regulation or provision continues is considered a separate offense and is subject to the penalty prescribed in this subsection, except that the maximum fine

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~~may not exceed \$1 million~~ for any related series of violations may not exceed that set out in 49 C.F.R. § 190.223.

(2) In determining the amount of the penalty, the following must be considered: the nature, circumstances, and gravity of the violation and, with respect to the person found to have committed the violation, the degree of culpability; any history of prior violations; the effect on ability to continue to do business; any good faith in attempting to achieve compliance; ability to pay the penalty; and other matters as justice may require.

(3) The fine must be recovered in a civil action upon the complaint of the commission in any court of competent jurisdiction.

(4) The commission may prescribe rules necessary to effectively administer this section."

[This act] is effective on passage and approval.

{Internal References to 69-3-207: None}

-END-